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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,912	07/17/2003	Yang-Rae Cho	11038-089-999	2133

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EXAMINER


BONCK, RODNEY H

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,912	Applicant(s) CHO, YANG-RAE 	
	Examiner Rodney H. Bonck	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to the amendment received November 22, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama et al. ('029). Noting particularly Fig. 3, the Yokoyama et al. device shows a shift lock device comprising a cam body 14 integrally mounted to the shift lever, a rotating cam 42 that acts on the cam body to prevent the shift lever from moving in a lateral direction from either the P or the N range, a brake pedal switch 41, and rotating means or linkage mechanism 48 for rotating the rotating cam in response to an electrical signal from the brake pedal switch. The cam body is disposed with a cam wall (not separately numbered, but shown in Fig. 2 facing rotating cam 42) formed in parallel with the rotational plane of the rotating cam. The rotating means comprises a solenoid 48 with an actuating rod 50 and a link 44 connecting the actuating rod to link arm 44. The Yokoyama et al. device also provides an emergency lever 59 for rotating the

rotating cam manually. The rotating cam has a locking arm that carries cam 42, a link arm 44, and a lever arm 38,54 connected to the emergency lever.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al.('029) in view of Beattie et al.('196). Noting particularly Fig. 3, the Yokoyama et al. device shows a shift lock device comprising a cam body 14 integrally mounted to the shift lever, a rotating cam 42 that acts on the cam body to prevent the shift lever from moving in a lateral direction from either the P or the N range, a brake pedal switch 41, and rotating means 48 for rotating the rotating cam in response to an electrical signal from the brake pedal switch. The cam body is disposed with a cam wall (not separately numbered, but shown in Fig. 2 facing rotating cam 42) formed in parallel with the rotational plane of the rotating cam. The rotating means comprises a solenoid 48 with an actuating rod 50 and a link 44 connecting the actuating rod to link arm 44. The Yokoyama et al. device also provides an emergency lever 59 for rotating the rotating cam manually. The rotating cam has a locking arm that carries cam 42, a link arm 44, and a lever arm 38,54 connected to the emergency lever. The gate structure in

the Yokoyama et al. device does not include a manual gate at a side of the D range for manual up and down shifts, as now required by claim 1. The Beattie et al. device, however, discloses a gate structure for a shift lever of an automatic transmission that includes a manual gate 37 disposed to the right of the D range to permit the driver to manually upshift and downshift the transmission. It would have been obvious to similarly incorporate a manual gate in the device of Yokoyama et al., the motivation being to give the driver the option of manually upshifting and downshifting the transmission.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mueller et al.('792) and Ersoy('996) show other gate structures with manual shift gates adjacent the D range.

Response to Arguments

The amendments to claim 1 obviate the objection set forth in the previous Office action. Accordingly, the objection to claim 1 is withdrawn.

Claims 6-9 have not been amended and are still anticipated by the Yokoyama et al. device for the same reasons as set forth in the previous Office action. Claim 1 has been amended to add a manual gate structure at a side of the D range. The Yokoyama et al. device lacks this manual gate. It would have been obvious, though, to provide

such a manual gate in Yokoyama et al. in view of the teachings of Beattie et al., as set forth above. Thus, this added limitation does not distinguish over the prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (703)-308-2904. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703)-308-0830. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
December 23, 2004